

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

Maurice Foley, Petitioner,

v.

The United States Of America

Special Agent Edwin Whitteaker, BATFE

The Pennsylvania State Police

Trooper James Basinger

Trooper Robert Rowles

Trooper Eric Reese

Criminal No. 04-36

MOTION FOR THE RETURN OF SEIZED PROPERTY

And now comes the petitioner, Maurice Foley, proceeding pro se, respectfully requesting this court to order the above named respondents to return property that was seized during the course of the investigation of this case pursuant to Federal Rules of Criminal Procedure Rule 42. This involves a total of eleven (11) searches conducted by The Pennsylvania State Police, The Bureau of Alcohol, Tobacco and Firearms, and other law enforcement agencies that are unknown to this petitioner in Pennsylvania, California and Arizona over nearly a one year period. The facts are as follows:

On April 18, 2003, The Pennsylvania State Police executed a search warrant at 19845 Hill Road, Saegertown, Pa. Numerous items were seized. (see exhibit B,C,D,E and F). Out of all the items seized in this search, only two (2) items were agreed to be forfeited as part of the plea entered on April 28, 2005. (see exhibits G and H). These items are as follows:

- 1) One Dodge Ram truck, vin# 1B7KF23W91J175474
- 2) One 1991 BMW, vin # WBAAA1311MEC69886

The remainder of the items seized from this search which this petitioner is requesting the court order to be returned to him are as follows:

- 1) One First Alert wireless monitor with camera
- 2) One Physicians Desk Reference book
- 3) One Rolex watch
- 4) One sheet of \$1 bills and one sheet of \$2 bills, U.S. currency. (collector's items)
- 5) Two mini DVDs and two rolls of film
- 6) One 16' utility trailer
- 7) One 28' utility trailer and its contents
- 8) One Harley Davidson "Whizzer" motorized bicycle

On august 6, 2003, the following items were seized from 19845 Hill Rd., Saegertown, Pa. (see exhibits J,K and L). None of these items were agreed to be forfeited according to the plea agreement that was entered on April 28, 2005. (see exhibits G and H). Therefore, this petitioner also requests that this court order these items be returned to him. They include:

- 1) One Whirlpool Duet front loading washer
- 2) One General Electric dryer
- 3) Two video tapes, two photo albums and two undeveloped rolls of film.
- 4) One Sharp 36" color television, Model # 36S400SN622788
- 5) One oak entertainment center
- 6) One 7 peice oak bedroom set
- 7) One 1986 Honda motorcycle (dirt bike)
- 8) One Pro-Tech portable planer
- 9) One Ryobi variable speed mini-lathe

- 10) Leather couch and love seat
- 11) One Garmin GPS III, series #966446317
- 12) Four BMW tires and wheels
- 13) One nightstand safe
- 14) One Winchester gun safe
- 15) All paperwork, property deeds, vehicle titles, photos, receipts and other miscellaneous documents not listed above
- 16) Any and all items, tools and equipment not listed above

Many additional items were also seized during the course of this investigation. To date, after numerous attempts to obtain documentation of these items, nothing has been able to be obtained in order to accurately describe and list these items. They are repeatedly said to be "sealed". It is nearly impossible to list every item seized from memory due to the fact that no inventory lists have been made available to this petitioner for the following searches:

In December of 2003, the following item was seized from the 6700 block of Carpenter Road, Conneautville, Pa. This item was not agreed to be forfeited according to the plea agreement entered on April 28, 2005 (see exhibits G and H). Therefore, this petitioner also requests that this court order this item be returned to him:

- 1) A Franklin 45' dual axle camper along with all of its contents, which include furniture, tools, high performance racing automotive parts, a gas powered generator, propane tanks and several other items.

On August 7, 2003, Numerous items were seized from 11440 State Road, Albion, Pa. This location was used as a storage garage. No inventory list has been made available after many attempts. The following list is comprised from memory as accurately as possible:

- 1) One Yamaha "Banshee" ATV
- 2) One Craftsman 220 volt air compressor
- 3) One 110 volt MIG welder
- 4) One Lincoln 220 volt TIG welder
- 5) A component 7 channel home stereo with 7 speakers
- 6) One Craftsman rollaway toolbox full of tools
- 7) One small Craftsman toolbox full of tools
- 8) One HOMAK rollaway toolbox full of tools
- 9) One machinists toolbox full of taps and dies (tools)
- 10) A large (approximately 18.5 cu. ft.) chest freezer
- 11) One acetylene torch set
- 12) A 572 cubic inch racing motor
- 13) A Ford 1720 Diesel tractor
- 14) A flatbed trailer, 24' in length (homemade)
- 15) A "Big Brute" racing torque converter
- 16) One ESAB 200 amp plasma cutter
- 17) A Mikita crosscut metal cutting saw
- 18) Numerous Snap-on and Craftsman tools, power and air tools. This includes ratchets, sockets, wrenches, impact wrenches, screwdrivers, etc.
- 19) All other tools, automotive parts and equipment not listed above.

Several other searches were also conducted during the course of this investigation. From these searches various personal property belonging to this petitioner was also seized. To date, none of these search warrants/inventory lists have been made available to this petitioner. Therefore, this petitioner cannot even begin to guess what was seized, so the attempt will not even be made at this point. These searches are as follows:

- 1) 1709 Gorman Drive, Erie, Pa. was searched on August 6, 2003.
- 2) 12572 McChesney Road, East Springfield, Pa. was searched on August 6, 2003.
- 3) 317 West Nugent Street, Lancaster, California was searched on August 6, 2003.
- 4) 632 Liberty Street, Erie, Pa. was searched in late October of 2003.
- 5) A self storage unit was also searched on Sierra Highway, Lancaster, California on an undetermined date in 2003.

Among all of the searches listed above, this petitioner had personal property being stored. This personal property includes various paperwork, property deeds, vehicle titles, receipts and many other important documents which will be very difficult to replace. At this point, these documents would have no evidentiary value to the government since a plea has already been reached in this agreement. However, the property that may have been seized at these locations is not limited to only paperwork. It cannot be stated at this point what was seized with sufficient accuracy. None of the items seized from any of these searches were agreed to be forfeited according to the plea agreement entered on April 28, 2005, therefore, this petitioner also respectfully requests this court to order the government and various law enforcement agencies that seized this property to return it forthwith.

Prior to signing this plea agreement on April 28, 2005, this petitioner was told by his attorney, David Schroeder, that all of the items not listed in the plea agreement would not be forfeited and therefore would be returned subsequent to sentencing. Believing all of these items would be returned in good faith in exchange for avoiding trial for the government, this petitioner signed the plea agreement.


At sentencing, this petitioner was told by his attorney to have his father go to the state police station to retrieve this property and to bring a truck. This was further misleading information. U.S. Attorney Trabold also stated at sentencing that the government only wishes to seek forfeiture of the items listed in the plea agreement, excluding The Mule Road property and the McChesney Road property. When this petitioner's father went to the police station with the truck, all that was given to him were a few boxes of papers. This was a very misleading, bad faith act by the government/respondents.

This petitioner entered into a plea agreement which resulted in a 330 month sentence in which nobody was harmed directly. In this plea agreement he also agreed to forfeit a home which he built himself, over \$215,000 in cash, 3 vehicles and a valuable coin collection which was accumulated since childhood as part of accepting responsibility for this crime. The government agreed to return the remainder of the personal items seized in good faith. After receiving this harsh sentence, the government then chooses to return absolutely nothing. Furthermore, the search warrants/inventory lists are said to be "under seal" indefinitely to make it even more difficult to petition the court(s) for this property to be returned.

Wherefore, this petitioner respectfully requests this court to order the United States Government, Special Agent Edwin Whitteaker, The Pennsylvania State Police, Trooper James Basinger, Trooper Robert Rowles and Trooper Eric Reese to return all of the personal property seized during the course of this investigation, which would include but not be limited to, the items listed above. This would also exclude the items agreed to be forfeited according to the plea agreement: the Hill Road property, over \$215,000 in cash, three vehicles, and the coin collection.

Under the pains and penalties of perjury, 18 U.S.C. 1623 and 28 U.S.C. 1746, this petitioner, Maurice Foley, swear that the above stated facts are true and correct to the best of his knowledge.

Respectfully submitted:


Maurice Foley #20211-068
U.S. Penitentiary Canaan
P.O. Box 300
Waymart, Pa. 18472

Commonwealth of Pennsylvania

COUNTY OF CRAWFORD

APPLICATION FOR
SEARCH WARRANT
AND AUTHORIZATIONDocket Number MD-76-03
(Issuing Authority): LINDA S. ZILBAUERPolice Incident
Number: E05-1045215Warrant Control
Number:

TPR. JAMES B. BASINGER

PA STATE POLICE

814-332-6911

04/18/03

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

SEE ATTACHMENT A

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

A grey vinyl sided multi-story residence at 19845 Hill Rd Saegertown, PA 16433, Hatfield Twp, Crawford County with a satellite dish on the front porch roof. A two story vertical wood-sided garage at 19845 Hill Rd Saegertown. Two enclosed utility trailers, a large bus, and other out buildings and curtilage.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Maurice Francis FOLEY and Christina Marie WEBER

VIOLATION OF (Describe conduct or specify statute):

CSDDCA 13a30, 13a16, 13a31i, 13a32

DATE(S) OF VIOLATION:

04/18/03

☐ Warrant Application Approved by District Attorney - DA File No. _____

(If DA approval required per Pa.R.Crim.P. 2002A with assigned File No. per Pa.R.Crim.P. 107)

☒ Additional Pages Attached (Other than Affidavit of Probable Cause)☒ Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: 5

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

Signature of Affiant

PA State Police

7456

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 18 day of 4 2003, Mag. Dist. No. 30-3-03

Signature of Issuing Authority

Office Address

2100 Independence Dr, Court Facility, Saegertown, Pa. 16403 (SEAL)

SEARCH WARRANT
TO LAW ENFORCEMENT
OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☒ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:☐ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: "5:23 A.M., o'clock 4/20/03 18

* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).

- If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2005(g).

Issued under my hand this 18 day of 4 2003 at 5:24 P.M., o'clock.

Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No.

154 Mar 2003 (SEAL)

Title of Issuing Authority: ☒ District Justice ☒ Common Pleas Judge ☐☐ For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for _____ days by my certification and signature. (Pa.R.Crim.P. 2011)

Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge).

(Date) (SEAL)

TO BE COMPLETED BY THE ISSUING AUTHORITY

Commonwealth of Pennsylvania

RECEIPT / INVENTORY
OF SEIZED PROPERTY

COUNTY OF CRAWFORD

Docket Number
(Issuing Authority):Police Incident
Number: E05-1045215Warrant Control
Number:

Date of Search: 04/18/03

Time of Search: 0600

Inventory Page Number:
1 of 4 Pages

Tpr. James B. BASINGER

PA STATE POLICE

7456

Affiant

Agency or Address if private affiant

Badge No.

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☐ personally served on (name of person)☒ was left at (describe the location) 17845 HILL RD SAEGERTOWN, PA 17623

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
1	1	SMALL BAG OF GREEN VEGETABLE MATTER (GUM)	
2	1	GREEN DUFFLE BAG	
3	6	ONE POUND BAGS OF GUM	
4	19	ONE POUND BAGS OF GUM	
5	1	LG BAG CONTAINING 2 SMALL BAGS OF GUM	
6	2	QUART SIZE BAG OF GUM	
7	1	QUART SIZE BALL MASON JAR OF GUM	
8	2	LG BAGS OF GUM MARKED "4" "SHAKE"	
9	1	MARIJUANA SMOKING PIPE	
10	1	QUART SIZE BAG OF GUM	
11	1	CD CASE W/ WHITE RESIDUE & 2 \$1.00 BILLS W/ WHITE RES	
12	5	CONTAINERS OF GUM	
13	1	HIDDEN COMPARTMENT PUNCTURE SEAL CAN	
14	14	ROCKS OF ZIPLOC BAGS	
15	1	MONEY WRAPPER "\$1000.00" & BURGER BAIT	
16	4	ZIPLOC BAGS OF GUM	
17	1	ONE SHEET OF \$1.00 BILLS & ONE SHEET OF \$2.00 BILLS	
18	1	OHAUS TRIPLE BEAM SCALE (2610 GRAM)	
19	1	ZIPLOC BAGS	
20	1	GREEN VEG. MATTER	
21	1	BLACK PLASTIC TRAY	
22	1	CONTIGO BLACK PLASTIC TUB	
23	1	OHAUS TRIPLE BEAM SCALE (45 LB) W/ COUNTERWEIGHTS	
24	1	ZIPLOC BAGS & PLASTIC WRAP	
25	1	STRAW W/ WHITE RESIDUE MADE FROM \$1.00 BILL	
26	1	PAPERWORK FROM GARAGE	
27	1	FIRST ALERT WIRELESS CAMERA/MONITOR	

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4604(b)--Unsworn Falsification to Authorities.

Signature of person Issuing Receipt / Inventory: TPR JAMES B. BASINGER DSP 7456
 Printed Name: Affiliation: Badge or Title:

Signature of Witness: Printed Name: Affiliation: Badge or Title:

Signature of person making Search: TPR JAMES B. BASINGER DSP 7456
 Printed Name: Affiliation: Badge or Title:

Commonwealth of Pennsylvania

COUNTY OF CRAWFORD

RECEIPT / INVENTORY
OF SEIZED PROPERTYDocket Number
(Issuing Authority):Police Incident
Number: E05-1045215Warrant Control
Number:

Date of Search: 04/18/03

Time of Search: 0600

Inventory Page Number:
2 of 4 Pages

Tpr. James B. BASINGER

PA STATE POLICE

7456

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☐ personally served on (name of person)

☒ was left at (describe the location) 19845 HILL RD SHARPSBURG, PA 17433

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
28	1	BAG OF SEEDS & GVM	1240
29	1	FOOD SAVER BAG VAC	
30	1	LARGE METAL TRAY	
31	2	BALLISTIC VESTS	
32	1	ELECTRIC SMOKING PIPE	
33	1	DIGITAL SCALE IN BOX	
34	2	PLASTIC WRAPPED BRICKS OF GVM	
35	2	MONEY WRAPPERS (\$1000.00)	
36	2	PLASTIC WRAPPED BRICKS OF GVM	
37	2	PLASTIC WRAPPED LARGE BRICKS OF GVM	
38	1	BROWN CLOTH BAG OF VARIOUS AMMO	
39	2	MARIJUANA BONDS (CERAMIC FACES)	
40	1	BLACK CLOTH BAG OF VARIOUS AMMO	
41	1	PLASTIC WASH TUB OF VARIOUS AMMO	
42	1	BROWN TRI-FOLD WALLET W/ LAWRENCE ODAY OPER LIC.	
43	1	US CURRENCY \$240.00	
44	1	LARGE BAG OF GVM MARKED "2"	
45	1	RUBBERMAID CONTAINER OF GVM	
46	1	PHYSICIANS DESK REFERENCE	
47	1	PAPERWORK FROM FIRST FLOOR OF HOME	
48	1	PAPERWORK FROM SECOND FLOOR OF HOME	
49	1	PAPERWORK FROM WERE'S WALLET	
50	1	PAPERWORK FROM KITCHEN	
51	1	PICTURES & PAPERWORK FROM LIVING ROOM	
52	1	PLANNER / ADDRESS BOOK	
53	29	BAGS OF GVM	
54	2	TUPPERWARE CONTAINERS CONTAINING GVM.	

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4904(b) - Unsworn Falsification to Authorities.

Signature of person issuing Receipt / Inventory: DR JAMES B. BASINGER Printed Name: DR JAMES B. BASINGER Affiliation: PSP Badge or Title: 7456

Signature of Witness: _____ Printed Name: _____ Affiliation: _____ Badge or Title: _____

Signature of person making Search: DR JAMES B. BASINGER Printed Name: DR JAMES B. BASINGER Affiliation: PSP Badge or Title: 7456

Commonwealth of Pennsylvania

RECEIPT / INVENTORY
OF SEIZED PROPERTY

COUNTY OF CRAWFORD

Docket Number
(Issuing Authority):Police Incident
Number: E05-1045215Warrant Control
Number:

Date of Search: 04/18/03

Time of Search: 0600

Inventory Page Number:
3 of 4 Pages

Tpr. James B. BASINGER

PA STATE POLICE

7456

Affiant

Agency or Address if private affiant

Badge No

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☐ personally served on (name of person)☒ was left at (describe the location) 19845 HILL RD JACBERTON, PA 16923

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
55	1	GLASS MASON JAR CONTAINING GVM	
56	1	PLASTIC BAG OF MUSHROOMS	
57	1	SMALL GLASS JAR CONTAINING GVM	
58	1	PLASTIC CONTAINER WITH WHITE AND BLUE PILLS	
59	1	PLASTIC CONTAINER WITH WHITE PILLS	
60	1	PLASTIC BAG WITH 2 YELLOW PILLS AND 1 WHITE PILL	
61	1	MISC. PAPERS FROM SMALL WOODEN BOX	
62	1	MISC. PAPERS FROM LARGE WOODEN BOX	
63	1	MISC PAPERS, RECEIPTS, LEDGER FROM SAFE	
64	1	RECEIPT AND NOTEBOOK FROM BLACK ORGANIZER	
65	1	MISC PAPERS FROM BOOK, "HOW TO BURN YOUR GOODS"	
66	1	BOOK ENTITLED, "HOW TO BURN YOUR GOODS"	
67	1	44 MAG REVOLVER W/SCOPE SERIAL # 550-68728	
68	1	REMINGTON 44 MAG AMMUNITION, BOX CONTAINING 42 ROUNDS	
69	1	"MY WEIGH", 200GM DIGITAL SCALE	
70	1	"LUKE" KEY CHAIN	
71	1	FILTER SCREENS	
72	2	MONEY WRAPPERS "\$1,000"	
73	1	ROLEX WATCH, GOLD/SILVER IN COLOR	
74	1	MONEY WRAPPER "\$1,000" W/TAPE	
75	1	PAPER W/ "1000" \$350.00	
76	1	BAGGIE CONTAINING WHITE CRYSTALLINE SUBSTANCE	
77	1	BAGGIE CONTAINING SMALL CHUNK OF	
78	1	BAGGIE CONTAINING SMALL AMOUNT OF WHITE CRYSTALLINE SUBSTANCE	
79	2	BRICKS OF BROWN TAIL SUBSTANCE	
80	1	\$120.00 ROLLED QUARTERS	
81	1	\$25.00 ROLLED CANADIAN DOLLARS	

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4904(b)-Unsworn Falsification to Authorities.

Signature of Person Issuing Receipt / Inventory: TPR JAMES B. BASINGER
 Printed Name: TPR JAMES B. BASINGER
 Affiliation: PSP
 Badge or Title: 7456

Signature of Witness: _____
 Printed Name: _____
 Affiliation: _____
 Badge or Title: _____

Signature of Person Making Search: TPR JAMES B. BASINGER
 Printed Name: TPR JAMES B. BASINGER
 Affiliation: PSP
 Badge or Title: 7456

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charging him with violating Title 21, United States Code, Section 846 and Title 18, United States Code, Section 924(c)(1)(A)(i), pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

2. He acknowledges his responsibility for the conduct charged in Counts Two, Four and Six through Sixteen of the Indictment at Criminal No. 04-36 Erie and stipulates that the conduct charged in those counts may be considered by the Probation Office or by the District Court in imposing sentence.
3. He will voluntarily forfeit to the United States all property subject to forfeiture under Title 21, United States Code, Sections 853(a)(1), 853(a)(2) and 853(p), and Title 18, United States Code, Sections 982(a)(1) and 982(b)(1) including but not limited to the following:

(a) United States currency in an amount of at least \$215,031.35, cash equivalents, and bank account balances, constituting the gross proceeds of such violations;

(b) real property including, without limitation:

(i) 19845 Hill Road, Hayfield Township, Crawford County, Pennsylvania, SW Intersection of 735 & 606 Assessor's Parcel # 28-05-008-70003;

(ii) Mule Street, Fairfield Township, Crawford County, Pennsylvania, Assessor's Parcel # 23-06-014-70004;

(iii) 12572 McChesney Road, Springfield Township, Erie County, Pennsylvania, Assessor's Parcel # 8-27-10.02 39; and

(c) vehicles including, without limitation:

(i) 2003 Chevrolet Silverado VIN 1GCJK331X3F134794

(ii) Dodge Ram Truck VIN 1B7KF23W91J175474

DRAFT

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(iii)1991 BMW VIN WBAAA1311MEC69886

(d) a coin collection.

4. He acknowledges that the above-described property was used to facilitate the crime of conspiracy to distribute and possess with intent to distribute marijuana in violation of Title 21, United States Code, Section 846 and distribution and possession with intent to distribute methamphetamine in violation of Title 21, United States Code, Section 841(a)(1). The above-described property also constitutes proceeds of these offenses.
5. If the Court imposes a fine or restitution as part of a sentence of incarceration, MAURICE FRANCIS FOLEY agrees to participate in the United States Bureau of Prisons' Inmate Financial Responsibility Program, through which 50% of his prison salary will be applied to pay the fine or restitution.
6. At the time MAURICE FRANCIS FOLEY enters his plea of guilty, he will deposit a special assessment of \$200 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
7. MAURICE FRANCIS FOLEY waives the right to take a direct appeal from his conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
 - (a) If the United States appeals from the sentence, MAURICE FRANCIS FOLEY may take a direct appeal from the sentence.
 - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, MAURICE FRANCIS FOLEY may take a direct appeal from the sentence.
 - (c) As a condition of his guilty plea, MAURICE FRANCIS FOLEY may take a direct appeal from his conviction limited to the

DRAFT

Return of Search Warrant

THIS IS THE PAPERS FOR JACK'S HOUSE FOR -

SOME REASON YOUR NAME IS ALL OVER THEM I

United States District Court GUESS THEY TOOK ALL

YOUR GIRLFRIEND

WESTERN

DISTRICT OF

PENNSYLVANIA

FURNITURE +

TV'S
AND STUFF

In the Matter of the Search of

[Name of the person or property to be searched]

SEARCH WARRANT

The Property Known As
 9845 Hill Road
 Saegertown, Pennsylvania 16433
 (more fully described below)

CASE NUMBER: 1:04-cr-00036-SJM

[UNDER SEAL]

To: Special Agent Edwin G. Whitteaker, BATFE and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Whitteaker who has reason to

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

9845 Hill Road, Saegertown, Pennsylvania 16433, Hayfield Township, Crawford County; a gray vinyl sided
 multi-story residence with gray shingles and satellite dish on front-porch roof. Residence has a detached multi-
 story vertical wood sided garage with two over headed doors and a man door on the front. In the back there is
 large deck on the second story. There are various vehicles, a large bus, and wooded areas about the property.
 Property is located at the intersection of Hill Road and Broadford Road.

I, the _____ Western _____ District of _____ Pennsylvania _____ there is now concealed
 a certain person or property, namely _____

Please see Attachment A

am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person
 or property so described is now concealed on the person or premises above-described and establish grounds for
 the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 7, 2003

Date

not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
 and making the search (in the daytime -6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable
 cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant
 and receipt for the person or property taken, and prepare a written inventory of the person or property seized and
 promptly return this warrant to _____ as required by law.

Judge or Magistrate

Aug 4 2003 2:55 P.M.
 Date and Time Issued

at Erie, Pennsylvania
 City and State

KEVIN J. MCLAUGHLIN, U.S. District Judge
 Name and Title of Judicial Officer

Signature of Judicial Officer

SEIZED PROPERTY LOG

REMOTE CASE NUMBER: 766051 03 0012

REMOTE CASE TITLE: 19845 Hill Road, Saegertown, PA 16433

TYPE	RECOVERED FROM	QUANTITY	UNITS	ITEM DESCRIPTION
VEHICLE	Maurice Foley			VEHICLE TYPE: AUTOMOBILE, YR 0, MAKE Dodge, MODEL: Ram 2500, COL: Burgandy.
VEHICLE	Maurice Foley			VEHICLE TYPE: AUTOMOBILE, YR 0, MAKE BMW, COL: WHITE, TAG EZM6816
OTHER	Maurice Foley			OTHER, MISC PACKAGING MATERIAL
OTHER	Maurice Foley			OTHER, WHIRLPOOL DUET FRONT LOADING WASHER
OTHER	Maurice Foley			OTHER GE ELECTRIC DRYER
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, COUNTER SPY SHOP RECEIPT \$89.00 BEV HILLS, CA
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, MISC DOCUMENTS
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, MISC DOCUMENTS
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, MISC DOCUMENTS
OTHER	Maurice Foley			OTHER, TWO VIDEO TAPES
AMMUNITION	Maurice Foley	SEVERAL		AMMUNITION: AMMUNITION - ASSORTED, QTY: SEVERAL, CAL. 762
OTHER	Maurice Foley			OTHER, TWO PHOTO ALBUMS
OTHER	Maurice Foley			OTHER CASH, TWO SILVER COLORED COINS AND TWO DOLLAR BILL
OTHER	Maurice Foley			OTHER, TWO UNDEVELOPED ROLLS OF FILM
OTHER	Maurice Foley			OTHER, TWO AUDIO/MICRO CASSETTES
OTHER	Maurice Foley			OTHER, ONE CALIFORNIA REGISTRATION PLATE 6D05284

ATF R/H GII
9:45 AM on 4:15 PM aut

EXHIBIT K

SEIZED PROPERTY LOG

REMOTE CASE NUMBER: 766051 03 0012

REMOTE CASE TITLE: 19845 Hill Road, Saegertown, PA 16433

TYPE	RECOVERED FROM	QUANTITY	UNITS	ITEM DESCRIPTION
OTHER	Maurice Foley			OTHER OTHER, ALLTEL PHONE CARD #814 763 2478 7471
OTHER	Maurice Foley			OTHER OTHER, MOTOROLA PAGER SN RTXCCA0060874W
OTHER	Maurice Foley			OTHER OTHER, TRACPHONE CARD 440-6369 PIN # 8093
AMMUNITION	Maurice Foley	1		AMMUNITION: AMMUNITION, QTY 1 MFR WINCHESTER-WESTERN, CAL. 20
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, BOX OF MISC DOCUMENTS
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, BOX OF MISC DOCUMENTS
OTHER	Maurice Foley			OTHER OTHER SHARP COLOR TV MODEL #36JS400 SN 622788
OTHER	Maurice Foley			OTHER OTHER, OAK ENTERTAINMENT CENTER
VEHICLE	Maurice Foley			VEHICLE TYPE: MOTORCYCLE, YR: 1986, MAKE: Honda, ...
OTHER	Maurice Foley			OTHER OTHER, SOFA AND LOVE SEAT
OTHER	Maurice Foley			OTHER OTHER, BEDROOM SET
DOCUMENT	Maurice Foley			DOCUMENTS: OTHER DOCUMENTS, MISC DOCUMENTS
OTHER	Maurice Foley			OTHER OTHER, PRO TECH POTABLE PLANER
OTHER	Maurice Foley			OTHER OTHER, RYOBI VARIABLE SPEED MINI LATHE
OTHER	Maurice Foley			OTHER OTHER, WINCHESTER GUN SAFE
OTHER	Maurice Foley			OTHER OTHER, RING OF KEYS

SEIZED PROPERTY LOG

NOTE CASE NUMBER: 766051 03 0012

REMOTE CASE TITLE: 19845 Hill Road, Saegertown, PA 16433

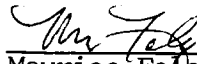
PE	RECOVERED FROM	QUANTITY	UNITS	ITEM DESCRIPTION
HER	Maurice Foley			OTM R OTHER, ONE (1) GARMIN GPS III, SN 96446317
HER	Maurice Foley			OTM R OTHER, FOUR (4) BMW TIRES AND WHEELS
HER	Maurice Foley			OTM R OTHER, ONE NIGHTSTAND SAFE
HER	Maurice Foley			OTM R OTHER, PLASTIC BOX OF DOCUMENTS
HER	Maurice Foley			OTM R OTHER, ONE "KEEP/SAFE" FLOOR SAFE BOX

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was placed for delivery by the U.S. Postal Service to and upon the following:

United States District Court
Clerk's Office
P.O. Box 1820
Erie, Pennsylvania
16507

U.S. Attorney's Office
17 South Park Row
Erie, Pennsylvania
16501


Maurice Foley #20211-068
U.S. Penitentiary Canaan
P.O. Box 300
Waymart, Pa. 18472

Dated: December 6, 2005